

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)	
)	
RAINBOW BROADCASTING COMPANY)	GC Docket No. 95-172
)	File No. BMPCT-910625KP
For an Extension of Time to Construct)	File No. BMPCT-910125KE
)	File No. BMPCT-911129KT
and)	
)	
For an Assignment of its Construction Permit)	
for Station WRBW(TV), Orlando, Florida)	

JOINT HEARING EXHIBITS

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Washington, DC 20036
(202) 833-4190
Counsel for
Press Broadcasting Co., Inc.

June 11, 1996

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

IN REPLY REFER TO:

June 11, 1996

Hon. Joseph Chachkin
Federal Communications Commission
2000 L Street, N.W.
Room 226
Washington, D.C. 20554

Re: *Rainbow Broadcasting Company*, GC Docket No. 95-172

Dear Judge Chachkin:

Pursuant to your honor's order in the referenced proceeding (*Order*, FCC 96M-94, released May 6, 1996), the Separate Trial Staff (STS) hereby transmits with this letter ten (10) joint hearing exhibits that have been agreed to by all the parties to the proceeding, *i.e.*, Rainbow Broadcasting Company, Rainbow Broadcasting, Ltd., Press Broadcasting Company, Inc. and the STS. The joint hearing exhibits consist of "Stipulations of Fact" (Joint Hearing Exhibit No. 1) and nine (9) documents, all of which are relevant and admissible under the designated issues. Although the STS has no evidentiary burdens in this proceeding, in the interests of expediting the admission of other evidence and expediting the hearing, we initiated discussions with the other parties for the purpose of stipulating to undisputed facts and agreeing to the admission of relevant documents into the hearing record. The attached documents are the results of those discussions. Thank you.

Sincerely,

David Silberman
Stewart A. Block
Separate Trial Staff

Attachments

cc (w/ attachments): Bruce A. Eisen, Esquire
Margot Polivy, Esquire
Harry F. Cole, Esquire

**Before the
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for Station WRBW(TV), Orlando, Florida)	

JOINT HEARING EXHIBITS

Joint Hearing Exhibit 1	-	Stipulations of Fact
Joint Hearing Exhibit 2	-	Application of Rainbow Broadcasting Company for Extension of Construction Permit of Station WRBW(TV), January 25, 1991
Joint Hearing Exhibit 3	-	Application of Rainbow Broadcasting Company for Extension of Construction Permit of Station WRBW(TV), June 25, 1991
Joint Hearing Exhibit 4	-	Letter from Douglas A. Sandifer (for the Managing Director) to George G. Daniels, October 8, 1991
Joint Hearing Exhibit 5	-	Supplement to Rainbow Broadcasting Company Application for Extension of Broadcast Construction Permit, November 27, 1991

- Joint Hearing Exhibit 6 - Letter from Clay Pendarvis, Chief, Television Branch, Video Services Division, Mass Media Bureau, to Rainbow Broadcasting Company, March 22, 1993
- Joint Hearing Exhibit 7 - Letter from Margot Polivy to Clay Pendarvis, April 12, 1993
- Joint Hearing Exhibit 8 - Letter from Barbara A. Kreisman, Chief, Video Services Division, Mass Media Bureau, to Rainbow Broadcasting Company and Press Television Corporation, June 18, 1993
- Joint Hearing Exhibit 9 - Letter from Roy Stewart, Chief, Mass Media Bureau, to Rainbow Broadcasting Company, July 30, 1993
- Joint Hearing Exhibit 10 - Commission Memorandum Opinion & Order, FCC 94-122 released May 23, 1994

JOINT HEARING EXHIBIT NO. 1



STIPULATIONS OF FACT

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Applications of)	
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RAINBOW BROADCASTING COMPANY)	GC Docket No. 95-172
)	File No. BMPCT-910625KP
For an extension of time to construct)	File No. BMPCT-910125KE
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and)	
)	
For an Assignment of its Construction Permit)	
for Station WRBW(TV), Orlando Florida)	

**To: Honorable Joseph Chachkin
Administrative Law Judge**

STIPULATIONS OF FACT

Rainbow Broadcasting Company ("RBC"), Rainbow Broadcasting, Ltd., Press Broadcasting Company, Inc. ("Press"), and the Separate Trial Staff, the parties to the captioned proceeding, hereby stipulate that the following facts are true and accurate.

1. RBC filed its application for a construction permit for a new television station on Channel 65 in Orlando, Florida on September 9, 1982.

2. The Commission granted RBC's application in 1984 following a comparative proceeding with two other applicants. *Metro Broadcasting, Inc.*, 99 FCC 2d 688 (Rev. Bd. 1984), *review denied*, FCC 85-558, released October 18, 1985.

3. The FCC's decision awarding the construction permit to RBC was appealed to the United States Court of Appeals for the District of Columbia Circuit ("Court of Appeals") in 1985 (Case Nos. 85-1755 & 85-1756).

4. RBC's original construction permit for Station WRBW(TV) was issued by the

Federal Communications Commission

Docket No. GC 95-172 Exhibit No. 1

Presented by Joint

Disposition { Identified X
Received X
Rejected _____

Reporter JS

Date 6-25-96

Commission on April 22, 1986

5. In 1986, prior to a decision by the Court of Appeals in Case Nos. 85-1755 & 85-1756, the Court of Appeals remanded the cases at the request of the Commission.

6. Between November 1986 and February 1988, RBC's construction permit was held in abeyance pending the outcome of the Commission's review of its minority ownership policies. *See Metro Broadcasting, Inc.*, 2 FCC Rcd 1474 (1987) and 3 FCC Rcd 866 (1988).

7. The consolidated cases (Nos. 85-1755 & 85-1756) were returned to the Court of Appeals in June 1988.

8. RBC filed applications for extensions of time to construct on July 11, 1988; May 10, 1989; November 17, 1989; and July 2, 1990.

9. In April 1989, the Court of Appeals affirmed the Commission's decision to grant RBC's application and to award the construction permit to RBC. *Winter Park Communications, Inc. v. FCC*, 873 F.2d 347 (D.C. Cir. 1989).

10. The Supreme Court affirmed the construction permit grant to RBC on June 27, 1990 and denied rehearing on August 30, 1990. *Metro Broadcasting, Inc. v. FCC*, 497 U.S. 547 (1990), *petition for rehearing denied*, 497 U.S. 1050 (1990).

11. The grant of the construction permit to RBC became "final," *i.e.*, no longer subject to administrative or judicial review, on August 30, 1990.

12. On or about November 2, 1990, RBC brought an action for injunctive relief against Guy Gannett Publishing Company ("Gannett") the owner of the transmission tower RBC planned to use. *Joseph Rex, et al. v. Guy Gannett Publishing Co., et al.* (No. 90-2554-CIV, United States District Court, S.D. Florida)

13. On January 25, 1991, RBC filed an application for extension of its construction permit (File No. BMPCT-910125KE) in which it asked the Commission for a fifth extension of its construction permit.

14. The Commission on February 5, 1991, granted RBC's application (File No. BMPCT-910125KE) for an extension of its construction permit through August 5, 1991.

15. After the Commission granted RBC an extension of its construction permit, Press filed an "Informal Objection" to RBC's fifth extension application on February 15, 1991.

16. The district court denied RBC's motion for a preliminary injunction in *Rev v. Gannett* on June 6, 1991. *Rev v. Guy Gannett Publishing Co.*, 766 F.Supp. 1142 (S.D.Fla. 1991).

17. RBC filed an application for a sixth extension of its construction permit (File No. BMPCT-910625KP) on June 25, 1991.

18. On July 10, 1991, Press filed an "Informal Objection" to RBC's sixth extension application.

19. In approximately October 1991, the Commission's Office of Managing Director provided Margot Polivy ("Polivy"), RBC's counsel, with a copy of its response to a letter from George Daniels.

20. On November 27, 1991, RBC filed a "Supplement" to its sixth extension application.

21. On November 29, 1991, RBC filed an application for the consent to the *pro forma* assignment of construction permit to Rainbow Broadcasting, Ltd.

22. By letter dated March 22, 1993, the Video Services Division ("VSD") of the Mass

Media Bureau wrote RBC to inquire as to the status of the project.

23. RBC responded to the VSD's inquiry by letter dated April 12, 1993.

24. RBC's application for a sixth extension of its construction permit (File No. BMPCT-910625KP) was filed on June 25, 1991, and acted on by the Video Services Division of the Mass Media Bureau on June 18, 1993.

25. In late June 1993, Polivy telephoned Antoinette Cook ("Cook") and asked her to contact the FCC in connection with the RBC applications.

26. On July 1, 1993, Polivy and RBC's president (Joseph Rey) met in Roy Stewart's office at Commission headquarters, 1919 M Street, N.W., Washington, D.C., with Stewart; Barbara Kreisman, Chief of the VSD; Clay Pendarvis, Chief of the Television Branch; Paul Gordon ("Gordon"), a lawyer in the Television Branch, and Robert Ratcliffe, Assistant Chief for Law of the Bureau.

27. Neither Press nor any of its principals nor Harry Cole, Press's counsel, attended the July 1 meeting.

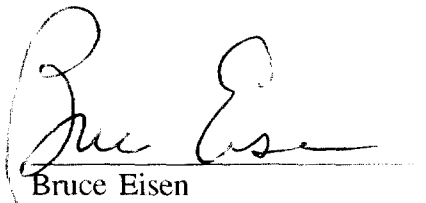
28. The discussion at the July 1, 1993 meeting addressed the merits of RBC's applications for extension of time to construct.

29. RBC filed its "Petition for Reconsideration and Reinstatement and Grant of Application for Assignment of Construction permit" on July 2, 1993.

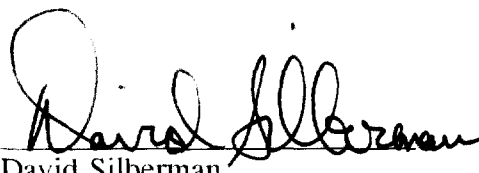
30. On May 23, 1994, the Commission released a Memorandum Opinion and Order in which it, *inter alia*, denied Press's contingent application for review and granted RBC a twelve month extension in which to construct its television station. *Rainbow Broadcasting Co.*, 9 FCC Rcd 2839 (1994).

31. On July 21, 1995, the United States Court of Appeals for the District of Columbia Circuit remanded the case to the Commission for further proceedings. *Press Broadcasting Co., Inc. v. FCC*, 59 F.3d 1365 (D.C. Cir. 1995).

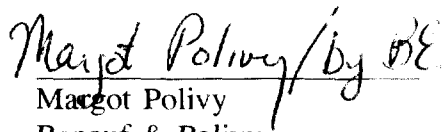
Respectfully submitted,



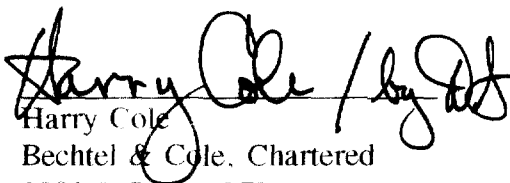
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(202) 833-4190

June 11, 1996

JOINT HEARING EXHIBIT NO. 2



**Application of Rainbow Broadcasting Company for
Extension of Construction Permit of Station WRBW(TV),
File No. BMPCT-910125KE, January 25, 1991**

Ref Rm.
FCC/MELLON JAN 25 1991

Duplicate Copy

Federal Communications Commission
Washington, D.C. 20554

FCC 307

Approved by OAS
3080-0407
Expires 3/31/91

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
(PLEASE FULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only

File No. BUPT-980125KE

1. Legal Name of Applicant (See Instruction 1) RAINBOW BROADCASTING COMPANY		3. PURPOSE OF APPLICATION: <input checked="" type="checkbox"/> a. Additional time to construct broadcast station <input type="checkbox"/> b. Construction permit to replace expired permit	
2. Mailing Address (Number, street, city, state, ZIP code) 151 Crandon Boulevard Apartment 110 Key Biscayne, Florida 33149		4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT: File Number BPCT820809KF Call Letters WRBW Frequency UHF Channel No. 65	
Telephone No. (Include Area Code) (305) 361-8223		Station Location Orlando, FL	
5. OTHER: Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. N/A			
EXTENT OF CONSTRUCTION: Has equipment been delivered? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If NO, answer the following: From Whom Ordered (If no order has been placed, so indicate) No order has been placed Ordered _____ Date Delivery Promised _____ (b) Has installation commenced? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced. (c) Estimated date by which construction can be completed. 12/31/92			

(a) If application is for extension of construction permit, submit as Exhibit No. 1 reason(s) why construction has not been completed.

(b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

Are the representations contained in the application for construction permit still true and correct?

☒ YES ☐ NO

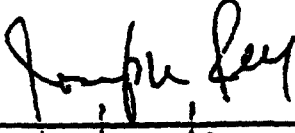
If NO, give particulars in Exhibit No. _____

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant Rainbow Broadcasting Company	Signature 
Title Partner	Date 1/22/91

Federal Communications Commission

Docket No. GC 95-172 Exhibit No. 2

Presented by Joint

Disposition	}	Identified <u>X</u>
		Received <u>X</u>
		Rejected _____

Reporter JS

Date 6-25-96

RAINBOW BROADCASTING COMPANY EXHIBIT 1

The application of Rainbow Broadcasting Company for construction permit for Channel 65, Orlando, Florida was granted by Commission Order, FCC 85-558, released October 18, 1985. By that Order the Commission denied applications for review of a Review Board Decision, FCC 84R-85, released December 3, 1984, granting Rainbow's application. The Commission's decision was appealed to the United States Court of Appeals for the District of Columbia Circuit (Case No. 85-1755). After submission of briefs but before oral argument, the Commission requested that the Court return the proceeding to the agency. Upon remand (by order of November 5, 1986), the Commission determined that "this licensing proceeding would be held in abeyance pending the outcome of the FCC's proceeding in MM Docket No. 85-484." (Commission Report to the Court, dated February 29, 1988).

Technically, Rainbow did not have a construction permit from November 1986 until June 9, 1988, when the proceeding was ordered returned to the Court of Appeals. The case was decided by the Court on April 21, 1989 and the grant to Rainbow again affirmed. However, on September 20, 1989, Metro Broadcasting, Inc., one of the competing applicants, filed a petition for writ of certiorari with the United States Supreme Court. The Supreme Court granted certiorari and the case was argued on March 28, 1990. By Decision

issued June 29, 1990, the Supreme Court affirmed the grant. By Order of August 30, 1990, the Supreme Court denied a request for rehearing.

Upon denial of rehearing by the Supreme Court, Rainbow engaged engineering services to undertake construction of the station. Actual construction has been delayed by a dispute with the tower owner which is the subject of legal action in the United States District Court for the Southern District of Florida (Case No. 90-2554 CIV MARCUS). A Motion for Preliminary Injunction was heard on January 11, 14 and 16, 1991 and is scheduled to conclude on January 23, 1991, with a decision anticipated shortly thereafter.

Rainbow anticipates that its exclusive right to the use of the tower aperture will be recognized by the District Court. Rainbow is ready, willing and able to proceed with construction upon a ruling from the District Court and anticipates completion of construction within 24 months of a favorable Court action.

Pursuant to Rule 73.3534, Rainbow seeks leave to file this request less than 30 days prior to expiration of its construction permit because the preliminary injunction hearing regarding use of its antenna site was originally scheduled for December 22, 1990, but was postponed until

Rainbow Broadcasting Company
Exhibit 1, page 3

January 11, 1991. Rainbow had expected to be able to report the result of that hearing to the Commission at the time it filed its request for extension. In view of the fact that it is now anticipated that the decision of the District Court will not be forthcoming prior to January 31, 1991, Rainbow is submitting this request less than 30 days prior to the expiration of its permit.

JOINT HEARING EXHIBIT NO. 3

**Application of Rainbow Broadcasting Company for
Extension of Construction Permit of Station WRBW(TV),
File No. BMPCT-910625KP, June 25, 1991**

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT
READ INSTRUCTIONS ON BACK BEFORE COMPLETING

For Commission Use Only

File No.

BMPCT-910625KP

Name of Applicant (See instruction 1)

RAINBOW BROADCASTING COMPANY

Address (Number, street, city, state, ZIP code)

151 Crandon Boulevard
Apartment 110
Key Biscayne, Florida 33149

Telephone No. (Include Area Code)

(305) 361-8223

3. PURPOSE OF APPLICATION

- ☒ a. Additional time to construct broadcast station
☐ b. Construction permit to replace expired permit

4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT:

File Number

BPCT-870300KF

Call Letters

WRRW

Frequency

1170

Channel No.

65

Station Location

Orlando, Florida

OTHER:

Submit as Exhibit No. _____ a list of the file numbers of pending applications concerning this station, e.g., major or minor modifications, assignments, etc. 7/1/91

5. CONTENT OF CONSTRUCTION

Has equipment been delivered? ☐ YES ☒ NO

If YES, answer the following:

When Ordered (If no order has been placed, so indicate)

No order has been placed

Ordered

Date Delivery Promised

(b) Has installation commenced? ☐ YES ☒ NO

If YES, submit as Exhibit No. _____ a description of the extent of installation and the date installation commenced.

(c) Estimated date by which construction can be completed.

12/31/92

7. (a) If application is for extension of construction permit, submit as Exhibit No. 1 reason(s) why construction has not been completed.

(b) If application is to replace an expired construction permit, submit as Exhibit No. _____ the reason for not submitting a timely extension application, together with the reason(s) why construction was not completed during the period specified in the construction permit or subsequent extension(s).

8. Are the representations contained in the application for construction permit still true and correct? ☒ YES ☐ NO
If NO, give particulars in Exhibit No. _____

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory authority of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Legal Name of Applicant

Rainbow Broadcasting Company

Signature

Joseph J. Lee

Title

Partner

Date

6/21/91

Federal Communications Commission

Docket No. GC 95-172 Exhibit No. 3

Presented by Joint

Disposition	}	Identified <u>X</u>
		Received <u>X</u>
		Rejected _____

Reporter Y8

Date 6-25-96

RAINBOW BROADCASTING COMPANY EXHIBIT 1

The application of Rainbow Broadcasting Company for construction permit for Channel 65, Orlando, Florida was granted by Commission Order, FCC 85-558, released October 18, 1985. By that Order the Commission denied applications for review of a Review Board Decision, FCC 84R-85, released December 3, 1984, granting Rainbow's application. The Commission's decision was appealed to the United States Court of Appeals for the District of Columbia Circuit (Case No. 85-1755). After submission of briefs but before oral argument, the Commission requested that the Court return the proceeding to the agency. Upon remand (by order of November 5, 1986), the Commission determined that "this licensing proceeding would be held in abeyance pending the outcome of the FCC's proceeding in MM Docket No. 85-484." (Commission Report to the Court, dated February 28, 1988).

Technically, Rainbow did not have a construction permit from November 1986 until June 9, 1988, when the proceeding was ordered returned to the Court of Appeals. The case was decided by the Court on April 21, 1989 and the grant to Rainbow again affirmed. However, on September 20, 1989, Metro Broadcasting, Inc., one of the competing applicants, filed a petition for writ of certiorari with the United States Supreme Court. The Supreme Court granted certiorari

and the case was argued on March 28, 1990. By Decision issued June 29, 1990, the Supreme Court affirmed the grant. By Order of August 30, 1990, the Supreme Court denied a request for rehearing.

Upon denial of rehearing by the Supreme Court, Rainbow engaged engineering services to undertake construction of the station. Actual construction has been delayed by a dispute with the tower owner which is the subject of legal action in the United States District Court for the Southern District of Florida (Case No. 90-2554 CIV MARCUS). A motion for preliminary injunction was denied by the court on June 6, 1991.

Immediately upon denial of the preliminary injunction request, Rainbow notified the tower owner of its intention to commence construction (a copy of the letter to Guy Gannet Tower Co. is appended hereto) and requested that the lease provisions regarding construction bids be effectuated. In addition, Rainbow has initiated discussions with equipment manufacturers regarding construction specifications and intends to place its equipment order as soon as the building construction schedule is finalized.

Rainbow will commence operation prior to December 31, 1992, as it previously informed the Commission.

c/o Joseph Rey
151 Crandon Blvd., #110
Key Biscayne, Florida 33149

Mr. James E. Baker
Gannett Tower Company
c/o Guy Gannett Publishing Co.
390 Congress Street
Portland, Maine 04104

June 18, 1991

RE: Rainbow Broadcasting Co./Bithlo Tower Co.
Lease Agreement

Dear Mr. Baker:

On August 10, 1990 Rainbow sent Mr. Richard Edwards proposed plans and designated the architect and contractors of its choice as per the lease agreement for the purpose of commencing the construction of the transmitter building addition.

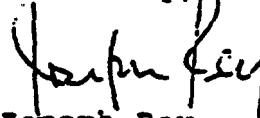
Subsequently, in a letter dated August 20, 1990, we were informed by Mr. Edwards that Gannett had already (in June of 1990), without our knowledge, proceeded to have plans prepared by Diorelli Engineering of Melbourne who is also a general contractor. On September 13, 1990 Mr. Holland and I met with Mr. Edwards at his office and it was agreed that Mr. Edwards would supply Rainbow with a detailed bid based on Gannett's proposed plans so that Rainbow could analyze and determine whether it would select Gannett's proposed contractor or choose its own. We did not receive the Gannett bid and on November 5, 1990 Mr. Holland, on behalf of Rainbow, again requested the bid.

Since we cannot be delayed any further, Rainbow, pursuant to the lease, submits O. J. Jorgensen as the architect and proposes to choose the builder from the following:

Crown General Contractors
Rodge Farrahi Construction
L & J Construction
Warren, Harding & Witt Construction

Please let us know no later than close of business Friday June 28, 1991 if any of Rainbow's proposed designees are not acceptable to Gannett.

Sincerely,

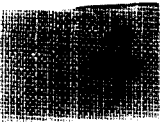

Joseph Rey,
Partner

cc: Richard Edwards

(4)

JOINT HEARING EXHIBIT NO. 4

**Letter from Douglas A. Sandifer (for the Managing Director)
to George G. Daniels, October 8, 1991**



FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

October 8, 1991

George G. Daniels
P. O. Box 590007
Orlando, Florida 32859-0007

File No. BMPCT-910125KE

Dear Mr. Daniels:

Thank you for your letter of September 10, 1991, regarding the application of RAINBOW BROADCASTING COMPANY for an extension of Construction Permit for a UHF television station, Channel 65 in Orlando, Florida. The application for extension was granted on February 5, 1991, however, that grant of extension is subject to a petition for reconsideration.

Your letter to the Managing Director was forwarded to the Office staff for reply in keeping with the Commission's ex parte rules, which deal with communications relative to the outcome of all "restricted" proceedings under consideration by the Commission. The Managing Director asked me to respond on his behalf.

The ex parte rules require service on all parties of filings addressing the merits or outcome of restricted proceedings. Because there was a Petition for Reconsideration filed in February 1991, (supplemented June 1991) and an Objection filed in July 1991, of the grant of the application of Rainbow for extension of construction permit in this matter, the proceeding is considered "restricted" until such time as a final Commission decision is made and no longer subject to reconsideration or review by the Commission or the courts. See 47 CFR Section 1.1208. The Commission granted Rainbow a construction permit but the station has not been constructed. A decision in this matter is not expected for several months.

In accordance with FCC Rules as found in 47 CFR Section 1.1212(e), I am, by copies of this letter, providing notice and disclosure of your communication to all parties to this proceeding. Additionally, this letter and your communication will be placed in a public file associated with (but not made a part of) the record in the proceeding. See 47 CFR Section 1.1212(d).

Please be assured that the Commission will closely examine all materials in the record in order to determine which course of action will best serve the public interest, convenience and necessity.